

# ROBERT GUILD

Attorney at Law

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August 7, 2017

Ms. Jocelyn D. Boyd  
Chief Clerk & Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

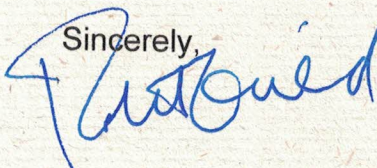
In Re: Petition of South Carolina Electric & Gas Company for Prudency Determination  
Regarding Abandonment, Amendments to the Construction Schedule, Capital  
Cost Schedule and Other Terms of the BLRA Orders for V.C. Summer Units 2 &  
3 and Related Matters  
Docket No. 2017-244--E

Dear Ms. Boyd:

Enclosed please find for filing and consideration the Petition to Intervene on  
behalf of Friends of the Earth and Sierra Club in the above-captioned matter, together  
with Certificate of Service reflecting service upon the parties.

With kind regards I am

Sincerely,



Robert Guild

Encl.s

CC: K. Chad Burgess, Esquire  
Shannon Bowyer Hudson, Esquire





## (Caption of Case)

In Re: Petition of South Carolina Electric & Gas  
Company for Prudency Determination Regarding  
Abandonment, Amendments to the Construction  
Schedule, Capital Cost Schedule and Other Terms of  
the BLRA Orders for V.C. Summer Units 2 & 3 and  
Related Matters

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

DOCKET

NUMBER: 2017 - 244 - E

(Please type or print)

Submitted by: Robert Guild

SC Bar Number: 2358

Address: 314 Pall Mall Street

Telephone: (803) 917 573

Columbia, SC 29201

Fax:

Other:

Email: bguild@mindspring.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☒ Request for item to be placed on Commission's Agenda expeditiously☐ Other:

## INDUSTRY (Check one)

## NATURE OF ACTION (Check all that apply)

- ☒ Electric  
☐ Electric/Gas  
☐ Electric/Telecommunications  
☐ Electric/Water  
☐ Electric/Water/Telecom.  
☐ Electric/Water/Sewer  
☐ Gas  
☐ Railroad  
☐ Sewer  
☐ Telecommunications  
☐ Transportation  
☐ Water  
☐ Water/Sewer  
☐ Administrative Matter  
☐ Other: \_\_\_\_\_

- ☐ Affidavit  
☐ Agreement  
☐ Answer  
☐ Appellate Review  
☐ Application  
☐ Brief  
☐ Certificate  
☐ Comments  
☐ Complaint  
☐ Consent Order  
☐ Discovery  
☐ Exhibit  
☐ Expedited Consideration  
☐ Interconnection Agreement  
☐ Interconnection Amendment  
☐ Late-Filed Exhibit  
☐ Letter  
☐ Memorandum  
☐ Motion  
☐ Objection  
☐ Petition  
☐ Petition for Reconsideration  
☐ Petition for Rulemaking  
☐ Petition for Rule to Show Cause  
☒ Petition to Intervene  
☐ Petition to Intervene Out of Time  
☐ Prefiled Testimony  
☐ Promotion  
☐ Proposed Order  
☐ Protest  
☐ Publisher's Affidavit  
☐ Report  
☐ Request  
☐ Request for Certification  
☐ Request for Investigation  
☐ Resale Agreement  
☐ Resale Amendment  
☐ Reservation Letter  
☐ Response  
☐ Response to Discovery  
☐ Return to Petition  
☐ Stipulation  
☐ Subpoena  
☐ Tariff  
☐ Other: \_\_\_\_\_

Print Form

Reset Form

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2017-244-E

In Re: Petition of South Carolina Electric & Gas Company for Prudency Determination Regarding Abandonment, Amendments to the Construction Schedule, Capital Cost Schedule and Other Terms of the BLRA Orders for V.C. Summer Units 2 & 3 and Related Matters )  
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**PETITION TO INTERVENE BY  
FRIENDS OF THE EARTH AND  
SIERRA CLUB**

Friends of the Earth (FoE) and the Sierra Club (Sierra), on behalf of their members who will be adversely affected by the approval of the subject Petition of South Carolina Electric & Gas Company, reserving all claims and rights asserted in their abandonment Complaint in Docket No. 2017-207-E, hereby petition the Commission pursuant to R. 103-825 of the Commission's Rules and Regulations to intervene and be made a party of record in the above-referenced proceeding. In support of this Petition to Intervene, Friends of the Earth and Sierra Club, groups which have challenged the prudence of this Project since 2008, would respectfully show:

1. FoE is a non-profit environmental advocacy organization with members in all the 50 states including South Carolina and its headquarters in Washington, DC. FoE is affiliated with Friends of the Earth International, the world's largest environmental advocacy network with member organizations in 70 countries. FoE has worked for over 40 years to promote a healthy and just world and has been a leading advocate for

safe and sustainable energy. It has worked to show how it is possible to shift the U.S. and global economies to a cleaner energy basis, using the latest in efficiency improvements, along with renewable energy sources such as wind, geothermal, and solar power. Members of FoE are ratepayers of SCE&G and neighbors of the site of the subject nuclear facility. Members of FoE live, work, travel, recreate, use and enjoy natural resources in the vicinity of the subject nuclear facility. They breathe the air, drink and use the water, eat food grown in the vicinity of the project. FoE participated in the initial proceeding before this Commission opposing approval of this Project. FoE's members would be harmed by the continued construction of the subject Project and the alternative generation resources proposed by SCE&G because of unwarranted increases in their electric rates, reduced reliability of their electric service, risk to their health and safety and harm to their use and enjoyment of natural resources which will be adversely affected by the Project and proposed alternatives, the subsequent costs associated with this project, the cost recovery measures proposed by SCE&G for abandoned project costs and the costs associated with SCE&G's proposed replacement alternatives.

2. The Sierra Club is the oldest and largest non-profit grassroots environmental organization in the country with some 750,000 members, 65 Chapters, over 400 local groups. The South Carolina Chapter has seven local groups with more than 5,000 members across the state. The Club's mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out



these objectives. The Club and its members actively promote safe energy solutions including energy efficiency and renewable energy resources to combat the climate crisis and to protect human health and the natural environment. The organization has been actively involved in several proceedings before this Commission regarding cost overruns and schedule delays involving this Project. The South Carolina Chapter of the Club has offices and meeting space at 1314 Lincoln Street, Columbia, South Carolina 29201. Members of the Sierra Club are customers of SCE&G who live, work, recreate and use natural resources near the existing Summer nuclear plant and the site of the proposed Project and pay electric rates related to the Project. Members of Sierra Club would be harmed by the continued construction of the subject Project and the alternative generation resources proposed by SCE&G because of unwarranted increases in their electric rates, reduced reliability of their electric service, risk to their health and safety and harm to their use and enjoyment of natural resources which will be adversely affected by the Project and proposed alternatives, the subsequent costs associated with this project, the cost recovery measures proposed by SCE&G for abandoned project costs and the costs associated with SCE&G's proposed replacement alternatives.

3. Pursuant to S.C. Code Sections 58-27-810, 58-27-960, 58-27-1930, 58-33-275(E), 58-33-280(k) and Rules R. 103-824 and 103-825 of the Commission's Rules and Regulations, FoE and Sierra request that the Commission consider and determine the imprudence of acts and omissions and costs incurred by SCE&G in connection with the Project considering the information available at the time; consider and determine the prudence of abandonment of the subject Project and of the available least-cost

efficiency and renewable energy alternatives; and remedy, abate and make due reparations for the unjust and unreasonable rates to be charged to ratepayers related thereto. FoE and Sierra Club request that the Commission order and direct SCE&G to cease and desist from expending any further capital costs related to the Project; and, further, request that the Commission determine the prudence of alternative future actions regarding the Project, including, but not limited to: limiting recovery of Project abandonment costs and replacement of the Project with least-cost alternative resources such as comprehensive energy efficiency measures, and utility scale renewable generation. Finally, FoE and Sierra Club request that the Commission determine just and reasonable rates associated with Project abandonment and the prudent alternatives to the Project, fairly and appropriately apportioning risk, cost and responsibility to SCE&G and its stockholders while protecting ratepayers from and ordering reparation for the unjust and unreasonable rate impacts of utility imprudence related to the Project.

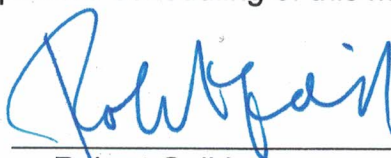
4. By its Petition in this matter SCE&G seeks Commission prudence approval of its belated decision to abandon the Project, Commission prudence approval of its abandoned Project capital costs, and Commission prudence approval of unconscionable scheme to allow recovery of excessive profits over a period of sixty (60) years from ratepayers, including our members, as if such abandoned Project costs are wholly prudent, used and useful in providing utility services. Such claims by SCE&G are imprudent, unjust, unreasonable and contrary to the public interest. SCE&G, moreover, seeks expedited scheduling and decision approving its Petition; asserting without support that an expedited decision is required to obtain certain tax benefits

needed to protect ratepayers from even greater abandoned Project costs. Given the need for a full and fair review of this matter, SCE&G should be required to offer strict proof of any such claims before expedited scheduling of this matter is approved.

WHEREFORE: For the foregoing reasons, Friends of the Earth and Sierra Club, on behalf of their members who will be adversely affected by the approval of the subject Petition by SCE&G, hereby petition the Commission pursuant to R. 103-825 of the Commission's Rules and Regulations to intervene and be made a party of record in the above-referenced proceeding; to permit full discovery and disclosure of the information available to SCE&G and the imprudence of acts, omissions and costs incurred by SCE&G bearing on this Project; order and direct SCE&G to cease and desist from expending any further capital costs related to the Project; determine the prudent least-cost alternative replacement resources such as comprehensive energy efficiency measures, and utility scale renewable generation; reject SCE&G's requests to recover abandoned Project costs from its ratepayers; and protect ratepayers from unjust and unreasonable rates associated with the abandoned Project by ordering rate reparations and refunds; and for such other and further relief as may be just and reasonable.

SCE&G should be required to offer strict proof of its claims that ratepayers' interests are served before expedited scheduling of this matter is approved.

August 7, 2017



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Robert Guild  
314 Pall Mall  
Columbia, South Carolina 29201

ATTORNEY FOR FRIENDS OF THE EARTH  
AND SIERRA CLUB



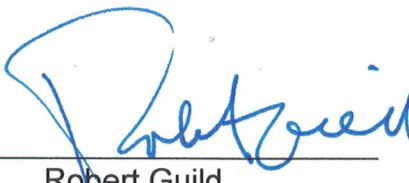
## CERTIFICATE OF SERVICE

I hereby certify that on this date I served the above Petition to Intervene by placing copies of same in the United States Mail, first-class postage prepaid, addressed to:

K. Chad Burgess, Esquire  
South Carolina Electric & Gas Company/SCANA  
220 Operation Way - MC C222  
Cayce, SC 29033-3701

Shannon Bowyer Hudson, Esquire  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

August 7, 2017

  
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Robert Guild